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FACULTY OF LAW
UNIVERSITY OF TORONTO

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Syllabus

1. Introduction: Last Will and Testament of George Washington and Schedule of His Property; Excerpt, Adrienne D. Davis, *The History and Jurisprudence of Interracial Sex* (unpublished draft); Letter, from Alexander Farrar to Henry Drake of Sept. 5, 1857, *reprinted in* Michael Wayne, DEATH OF AN OVERSEER: REOPENING A MURDER INVESTIGATION FROM THE PLANTATION SOUTH 43-50 (2001); Thomas Cobb, AN INQUIRY INTO THE LAW OF NEGRO SLAVERY IN THE UNITED STATES OF AMERICA §§ 1-2, 83-86 (1858) [hereinafter, Cobb].
2. Origins & Preliminary Questions: Developing Frameworks: *Hudgins v. Wrights*, 11 Va. 134 (1806); Act for the Better Ordering and Governing Negroes and Other Slaves in this Province, 7 Statutes of South Carolina 343 (McCord 1690); 3 Statutes of South Carolina 397 (Cooper 1740); Excerpt, Barnett Hollander, SLAVERY IN THE AMERICAS: ITS LEGAL HISTORY 14-15 (1962) [hereinafter Hollander]; Excerpt, Ariela Gross, *Litigating Whiteness: Trials of Racial Determination in the Nineteenth-Century South*, 108 YALE L.J. 109, 147-151, 156-176; Cobb §§ 18-25, 66-71; Excerpt, Brion Davis, 29-61.
3. The Master/Slave Relation: *State v. Mann*, 13 N.C. 263 (N.C. 1829); *Atwood's Heirs v. Beck*, 21 Ala. 590 (1852); *Charles v. Hunnicutt*, 9 Va. 311 (1854); *Hinds v. Brazeale*, 3 Miss. 837 (High Court of Errors & Appeals Miss. 1838); Cobb, §§ 327-334, 340.
4. Slave Legal Personality: Civil Capacity & "Economic Personality": Cobb §§ 258-281; *Sawney v. Carter*, 27 Va. 173 (1828); *Gorman v. Campbell*, 14 Ga. 137 (1853); *Waddill v. Martin*, 38 N.C. 562 (1845); *Malinda & Sarah v. Gardner*, 24 Ala. 719 (1854); *Bailey v. Poindexter*, 55 Va. 132 (1858).
5. Slave Legal Personality: Criminal Law: *Isham, A Slave v. State*, 7 Miss. 35 (1841); *Sarah v. State*, 18 Ark. 114 (1856); *Worley v. State*, 30 Tenn. 172 (1850); *William v. State*, 33 Ga.Supp. 85 (1864); Excerpt, Adrienne D. Davis, *Making "Waves": The Politics of Periodization and Race in Feminist Theory* (unpublished draft); Excerpt, Philip J. Schwarz, TWICE CONDEMNED: SLAVES AND THE CRIMINAL LAWS OF VIRGINIA, 1705-1865, at 35-58 (1988).
6. Slavery's "Sexual Economy" I: *George v. State*, 37 Miss. 316 (Miss. Err. & App. 1859); Mississippi statute of 1859 (amending *George v. State*); *Talbert v. Jenny*, 27 Va. 159 (1828); *Hansley v. Hansley*, 32 N.C. 506 (1849); Cobb §§ 36, 107; Excerpts, Diary of Mary Boykin Chesnut and Remarks of Angelina Grimké.

7. Class Tensions: Patrols: Act for the Better Establishing and Regulating Patrols, 3 Statutes of South Carolina 598 (Cooper 1740); Act for the Better Regulation of the Militia (amendment), 6 Laws of Va. 421 (Hening 1754); Act concerning servants and slaves, 23 Laws of N.C. 388 (Clark 1753), *amended* 24 Laws of N.C. 276 (1779); State v. Boyce, 32 N.C. 536 (1849); Tate v. O'Neal, 8 N.C. 418 (1821); State v. Hailey, 28 N.C. 11 (1845); Thompson v. State, 25 Ala. 41 (1854); Cobb §§ 69, 112a-114; Excerpt, Interview with Richard Mack, an ex-slave.

Appendix

Slave Codes Reprinted from SLAVERY 105-121 (Stanley Engerman et al eds., 2001) (Barbados Act of 1661; *Code Noir* (1685) in Louisiana; Virginia Slave Code 1705, An Act Concerning Servants and Slaves)

Chronology of Notable Events & Statistics, Hollander, 16-21

Major Relevant Legislation & Treaties, Hollander, 32-43

Constitutions of the Eleven Secessionist States, Hollander, 87-108

War Chronology, Hollander, 121-122

Constitutions of the United States of America (1787) & the Confederate States of America (1861), Paralleled, Hollander, 185-212

Dates, (Some) Slave Rebellions in the United States

General Resources on Reserve¹:

A. Leon Higginbotham, Jr., IN THE MATTER OF COLOR (1978)

Thomas Morris, SOUTHERN SLAVERY AND THE LAW (1996)

William Goodell, THE AMERICAN SLAVE CODE IN THEORY AND PRACTICE (1853)

George M. Stroud, A SKETCH OF THE LAWS RELATING TO SLAVERY IN THE SEVERAL STATES OF THE UNITED STATES (1856)

Thomas Cobb, AN INQUIRY INTO THE LAW OF NEGRO SLAVERY IN THE UNITED STATES OF AMERICA (1858) (treatise on slavery)

Helen Catterall, JUDICIAL CASES CONCERNING AMERICAN SLAVERY AND THE NEGRO (1926-1937) (index of all reported cases involving slavery)

Paul Finkelman, ARTICLES ON AMERICAN SLAVERY (edited collections of articles on slavery)

¹ See also attached Bibliography.

